

National Association of County Veterans Service Officers



Understanding the Rating Process

RESPONSIBILITY OF THE RATING SPECIALIST

- Fair and impartial
- Unbiased
- Apply the law and regulations
- Be aware of current policy
- Interact in the claimant's best interest

PURPOSE OF THE RATING

- Clear and concise decision
- Identify the evidence considered
- Consider entitlement in every possible way
- Basis for payment of disability benefits
- Establish entitlement to additional benefits such as loan guaranty, education, etc.

ISSUES FOR CONSIDERATION

- Is it service-connected?
- Is the claimed disability chronic?
- Did it pre-exist service?
- What is the best reflection of disability based on the diagnostic criteria?
- What is needed to increase the evaluation?

ISSUES FOR CONSIDERATION (cont)

- Is the disability static?
- Future Examination?
- When and why?
- Are the symptoms reflected in the diagnostic criteria?
- What about Special Monthly Compensation?

THE RATING SCHEDULE

- 38 Code of Federal Regulations, Part 4
- 16 Specific Body Systems
- Disability Evaluation Criteria
- Diagnostic Codes based on **ICD-9**

WHAT IS IN IT?

- General Policy for Ratings
- Rules and Criteria for Specific Disability Ratings
- Footnotes reminding Decision Maker of additional entitlements
- Appendices

GENERAL POLICY

- "Average Man" Concept
- Average Loss of Earning Capacity (38 CFR 4.1)
- Definitions such as Loss of Use (38 CFR 4.63) and "Single 60%" (38 CFR 4.16a)
- Interpretation of Medical Evidence (38 CFR 4.2 and 4.13)
- Weighing Evidence (38 CFR 4.6)

POLICY (cont)

- Functional Impairment (38 CFR 4.10 and 4.40)
- Congenital or Developmental Defects (38 CFR 4.9)
- Combined Rating Table (38 CFR 4.25)
- Pyramiding (38 CFR 4.14)
- Bilateral Factor (38 CFR 4.26)
- Criteria for Pension and Individual Unemployability (38 CFR 4.16 and 4.17)

POLICY (cont)

- Impact of Age (38 CFR 4.19)
- Rating by Analogy (38 CFR 4.20)
- Attitude of Rating Specialists (38 CFR 4.23)
- Temporary Total SC Ratings
(38 CFR 4.28, 4.29, 4.30)
- Zero Percent Evaluations (38 CFR 4.31)

POLICY (cont)

- Muscle Injuries (38 CFR 4.55 and 4.56)
- Painful Motion (38 CFR 4.59)
- Amputation Rule (38 CFR 4.68)
- Loss of Use (NERF) (38 CFR 4.63)
- Major versus Minor Hand (38 CFR 4.69)
- Adequacy of Examinations (38 CFR 4.70)

SPECIFIC TYPES OF RATINGS

- Formal Ratings
- Memorandum Ratings
- Confirmed Ratings
- Deferred Ratings
- Dental Ratings

SPECIAL MONTHLY PENSION

- Permanent and Total Disability
- Housebound
- Aid and Attendance
- P & T without need for Rating
- SMP without need for Rating